

REMARKS

Status of Claims:

Claims 1-48 were originally filed with the patent application. Claims 16-30 were canceled and Claims 49-63 were added in a Second Preliminary Amendment dated March 7, 2007. Claims 7-11, 14, 15, 32-37, 46, 48, 55-59, 62, and 63 were withdrawn pursuant to a Species Restriction dated September 18, 2007. Claims 43 and 47 are being canceled by this Amendment and Response. Therefore, Claims 1-6, 12, 13, 31, 38-42, 44, 45, 49-54, 60, and 61 will be pending upon entry of this Amendment and Response.

Office Action References:

Applicant expressly reserves the right to respond to any rejection in the outstanding Office Action by filing an appropriate affidavit under 37 C.F.R. §1.131 in any subsequent Response, where appropriate. Therefore, any addressing of the deficiencies of any reference herein is not an admission as to the prior art status of any such reference. Moreover, any failure to address the Examiner's interpretation with regard to any reference is not an admission by Applicant that the Examiner's position is in fact accurate. Finally, Applicant's response should not be construed as an admission as to the appropriateness of the various combinations proposed by the Examiner.

Claim Objections:

The Examiner objected to the preamble of the claims. The preamble of the claims has been amended in the manner suggested by the Examiner.

Claim Rejections:

Each of independent Claims 1, 31, 38, and 49 requires a clamp mounted on a rib of a panel assembly, where this clamp includes the following combination features:

a first clamping member that includes a mounting flange in the form of a cantilever (e.g., page 4, line 18 through page 5, line 1; page 6, lines 16-19; page 12, lines 13-16 and lines 21-22 of the patent application as filed);

an attachment mounting fastener threadably engaged with the mounting flange of the first clamping member (e.g., page 13, lines 9-16 of the patent application as filed);

a second clamping member that includes a first end that engages an underside of the mounting flange of the first clamping member (e.g., page 12, lines 16-20; page 15, lines 21-22 of the patent application as filed); and

a first fastener that is in addition to the attachment mounting fastener, where activation of the first fastener secures the first and second clamping members on the first rib (e.g., by exerting an inwardly-directed force on the first rib).

Each of independent Claims 1, 31, 38, and 49 stand rejected under 35 U.S.C. § 103 based upon various combinations of two or more references, including U.S. Patent No. 5,222,340 ("Bellem"), U.S. Patent No. 4,467,582 ("Hague"), U.S. Patent No. 5,176,462 ("Chen"), U.S. Patent No. 6,602,016 ("Eckart"), and U.S. Patent Application Publication No. 2002/0088196 ("Haddock"). Hague does not disclose any type of clamp that is mounted to a rib. The Examiner notes on page 14

of the Office Action that Haddock does not disclose the type of clamping member from original Claim 43. The Examiner appears to refer to Eckart primarily in relation to a "fastener" used to "activate" a clamp. That leaves Bellem and Chen to address in relation to a clamp having the above-noted combination of features for purposes of addressing the outstanding obviousness rejection.

Initially, Applicant does not admit that Bellem discloses a pivoting-type clamp. Applicant's review of Bellem did not identify any reference to its device employing any pivotal-like motion. Moreover, the Examiner did not set forth in the outstanding Office Action of how such a pivotal-like motion would be inherent in the disclosure of Bellem (i.e., a feature is required to flow from the disclosure of a reference in order for this feature to be inherent). In any case, Bellem does not disclose a clamp that is used to mount an attachment to a panel of any type. Chen does not remedy this deficiency.

The disclosure of Chen is quite vague and hard to follow. However, the Examiner did present Figure 3-1 from Chen on page 6 of the Office Action, and labeled various parts thereof in relation certain "parts" from one or more of the original claims. In accordance with the Examiner's labeling of Figure 3-1 of Chen, the Examiner's part "A" does not satisfy the limitations of the mounting flange in the pending independent claims – it does not have an attachment mounting fastener threadably engaged therewith (e.g., for mounting an attachment to the clamp). Figure 2 of Chen does show something between retained between members 11 and 12. Nothing else is shown in Figure 2 as being mounted to the adjusting device 1. Therefore, the various combinations proposed by the Examiner do not disclose the above-noted combination of features that is required by all pending claims.

Conclusion:

Based upon the foregoing, Applicant believes that all pending claims are in condition for allowance and such a disposition is respectfully requested. In the event that a telephone conversation would further prosecution and/or expedite allowance, the Examiner is invited to contact the undersigned.

Respectfully submitted,

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